

REMARKS

As a preliminary matter, Applicants traverse the outstanding Office Action (Paper No. 21) in its entirety as being nonresponsive. Section 707.07(f) of the MPEP places a burden upon the Examiner to, when repeating a previous rejection, first answer the substance of all of Applicants' meritorious arguments traversing that rejection. In the present case, however the Examiner has not done so.

With the exception of the new addition of the Kudo reference (U.S. 6,353,435), the outstanding Section 103 rejection of claims 1-16 is identical to that in the previous Office Action (Paper No. 18). In each of the last two Responses by Applicants (Amendment D, filed February 9, 2004, and Amendment C, filed June 26, 2003), the inclusion of the Nakamura reference (U.S. 6,005,646) with other prior art was specifically traversed. More specifically, Applicants provided detailed arguments how Nakamura teaches an OCB device, which therefore specifically teaches away from at least some of the recited features of the present invention. To date, however, the Examiner has not rebutted any of these meritorious arguments in repeatedly citing the Nakamura reference against the present invention.

The Examiner should not fail to respond to Applicants' arguments by citing additional prior art in combination with the same Nakamura reference, because prior art which teaches away from the claimed invention still cannot form the basis of an obviousness rejection. Applicants' previous arguments are therefore equally relevant to the Examiner's asserted "new grounds" for rejection, and therefore the Examiner should still be required to answer all of these specific arguments before again citing Nakamura against the present

invention. Accordingly, for at least these reasons, Applicants respectfully request that the outstanding Office Action be vacated, and full consideration be given to all of Applicants' previous arguments, which are incorporated by reference herein.

Claims 1-16 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Nakamura in view of Hayama et al. (U.S. 5,936,598) and Kudo. Applicants respectfully traverse this rejection because the Examiner has also provided no motivation for the combination of these references against the present invention.

In establishing a *prima facie* case of obviousness based on a combination of references, Section 2143.01 of the MPEP requires that the Examiner cite to some suggestion or teaching within the prior art itself for the motivation to combine the cited references. In the present case, however, the Examiner has not satisfied this requirement. Merely picking and choosing individual features and limitations of the claimed invention out of several unrelated prior art references does not satisfy this requirement. Such a methodology is an impermissible use of hindsight, when no motivation for combining the specific features at issue is also taught or suggested within the art. Because the Examiner has not cited to any express motivation within the cited references themselves, this outstanding Section 103 rejection represents a case of impermissible hindsight, and should therefore be withdrawn for at least these reasons.

Moreover, Applicants have repeatedly argued (without rebuttal from the Examiner) that the OCB mode parameters, as taught by both Nakamura and Hayama, are not generally applicable to a twisted nematic device, such as that claimed by the present

invention. Without the benefit of the present Application itself, it would not be obvious to one skilled in the art how to apply the several features cited by the Examiner from these two OCB mode references to a twisted nematic device. The new addition of the Kudo reference in no way alleviates the deficiencies in the other two references.

The Examiner cites only one paragraph from Kudo as his support for the motivation to apply the recited features of the present invention to a twisted nematic device. (Col. 7, lines 15-24). The cited portion from Kudo, however, does not disclose the several specific features of the present invention at issue. The cited portion merely discloses only the general principle that a digital video signal of an active matrix type may be converted to display the signal on a twisted nematic LCD device. (Col. 7, lines 18-20). Nothing in this cited portion of Kudo otherwise suggests how to apply, for example, a common voltage substantially equal to a central voltage of an alternate current driving voltage signal to an auxiliary electrode. Additionally, nothing in the cited portion suggests how to apply the operating parameters of an OCB mode/bend alignment device to the twisted nematic device discussed by Kudo. The Examiner has therefore provided no motivation from Kudo for combining it with the other cited references to reach the present invention.

The Examiner appears to imply, by his inclusion of the Kudo reference in the obviousness combination, that both digital video signals and active matrix type devices are exclusive to OCB mode/bend alignment devices. The Examiner, however, provides no objective support for such an implied interpretation. Moreover, one skilled in the art would be well apprised that such an interpretation would be erroneous. The independent claims of

the present invention do not recite only the conversion of a digital signal, or an active matrix type device. The independent claims of the present invention instead recite several specific features and limitations which do not appear in any way within the cited portion of the Kudo reference. Applicants respectfully request that the Examiner consider the actual recited language of the present claims, and direct his comments accordingly.

As also previously discussed, the problems addressed and solved by the present inventors should be considered by the Examiner when attempting to establish an obviousness rejection. The problems faced and solved by the present inventors become even more significant in such a determination when none of the cited references themselves address such problems. The present invention, for example, is capable of addressing particular problems associated with twisted nematic type devices, problems which are inapplicable to both Nakamura and Hayama (which are not drawn to nematic devices), and also to Kudo, which fails to consider the problems faced and solved by the present inventors in the disclosure of its own nematic device, as discussed above. Accordingly, for at least these additional reasons, the Section 103 rejection should be withdrawn.

Lastly, and as further discussed above, Applicants again respectfully request that the Examiner provide specific motivation for combining the nematic device taught by Kudo with the other specifically recited features of the present invention the Examiner asserts to find in the other two references, or to withdraw the rejection. Applicants submit that no such motivation is available without the benefit of the present Application.

Claims 1 and 8 of the present invention recite a specific structural configuration to several elements of the claimed device, none of which are shown in the general block diagram cited from Kudo by the Examiner. (Fig. 1). Additionally, nothing cited from Kudo teaches or suggests the induction of a lateral electric field between an auxiliary electrode and a data bus line, as in the present invention, or the application to the auxiliary electrode of a common voltage substantially equal to a central voltage of an alternate current driving voltage signal, as also in the present invention. For the Examiner's proposed combination of references to be proper, there must be some suggestion within the references themselves for how at least these specifically recited features of the present invention could be applied to a nematic device. Again, Applicants submit that the Examiner has provided no such motivation for the combination of these features without the benefit of the present Application itself. As such, the Section 103 rejection is inappropriate, and should again be withdrawn.

For all of the foregoing reasons, Applicants submit that this Application, including claims 1-16, is in condition for allowance, which is respectfully requested. The Examiner is invited to contact the undersigned attorney if an interview would expedite prosecution.

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Respectfully submitted,

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